

**2009 DRAFTING REQUEST**

**Bill**

Received: **01/05/2009**

Wanted: **As time permits**

For: **Administration-Budget**

This file may be shown to any legislator: **NO**

May Contact:

Received By: **pkahler**

Identical to LRB:

By/Representing: **Frederick**

Drafter: **pkahler**

Addl. Drafters: **agary  
gmalaise  
jkreye  
mshovers  
phurley  
rchampag  
rkite  
rnelson2  
rryan  
chanaman**

Subject: **Dom. Rel. - miscellaneous  
Courts - miscellaneous  
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Insurance - miscellaneous  
Local Gov't - misc  
Probate - miscellaneous  
Real Estate - miscellaneous  
Tax, Other - miscellaneous  
Transportation - other  
State Finance - miscellaneous**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Frederick, BB0334 -

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**Topic:**

Domestic Partnership

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/3	pkahler 02/10/2009	nnatzke 02/10/2009	phenry 02/11/2009		mbarman 02/11/2009		State Retire Tax
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7/13 ph  
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7/13 ph

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12/6  
2/6

g  
2/6

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**Topic:**

Domestic Partnership Registry

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 01/05/2009 phurley 01/14/2009 pkahler 01/14/2009	kfollett 01/20/2009					State Retire Tax
/P1			phenry 01/20/2009				

FE Sent For:

1/22/gf  
1/23/bu  
ph

<END>



**2009 DRAFTING REQUEST**

**Bill**

Received: **01/05/2009**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Frederick**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters: **agary  
dkennedy  
gmalaie  
jkreye  
mshovers  
phurley  
rchampag  
rkite  
rnelson2  
rryan**

Subject: **Dom. Rel. - miscellaneous  
Courts - miscellaneous  
Fin. Inst. - miscellaneous  
Health - miscellaneous  
Insurance - miscellaneous  
Local Gov't - misc  
Probate - miscellaneous  
Real Estate - miscellaneous  
Tax, Other - miscellaneous  
Transportation - other  
State Finance - miscellaneous**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Frederick, BB0334 -

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**Topic:**

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**Instructions:**

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/?	pkahler						
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FE Sent For:

1/1/09  
1/20

ph

<END>

ph/fo

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Domestic Partner Registry
- Tracking Code: BB0334
- SBO team: State Operations
- SBO analyst: Caitlin Morgan Frederick
  - Phone: 6-8777
  - Email: caitlin.frederick@wisconsin.gov
- Agency acronym: SOS, ETF
- Agency number: 575, 515
- Priority (Low, Medium, High): Medium

Intent: Establish a Domestic Partner registry (same as LRB-3960/P1)

## **2009-11 Budget Bill Statutory Language Drafting Request**

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DOMESTIC PARTNER REGISTRY BENEFITS  
DISCUSSION DRAFT  
CONFIDENTIAL

January 2008

SPOUSAL AND DEPENDENT SUPPORT BENEFITS

- GMM 1. In the case of the death of an employee to whom wages are due, the decedent's registered domestic partner has first priority to receive the wages due. Sec. 109.03(3).
- RAC 2. A registered domestic partner is among the class of persons eligible to receive survivor retirement benefits on the death of a state employee. No citation.

HEALTH INSURANCE

- OK ✓ 3. Add health-care coverage to the registered domestic partner of an eligible state employee.
- OK ✓ 4. The surviving registered domestic partner of deceased or retired state employees have the same right to health insurance coverage as did the deceased or retired state employee. Sec. 40.02(25)(b).
- OK ✓ 5. Eligible state employees can purchase long-term care insurance for registered domestic partners. Sec. 40.55(1).
- YES 6. State and local governmental units are authorized to provide for the payment of premiums for hospital, surgical, and other health insurance for employees and their registered domestic partners. Sec. 66.0137(5).
- GMM 7. An employee can use family and medical leave (up to six-weeks in a twelve-month period) to care for a registered domestic partner with a serious health condition. Sec. 103.10(3)(b).
- PJK ✓ 8. Health insurance premium subsidies, and medical leave premium subsidies, are available for state residents who suffer from HIV, and the subsidies can be applied to premiums for coverage that includes dependents and registered domestic partners. Secs. 252.16(4) and 252.17(4).
- PJK ✓ 9. Fraternal benefit societies are authorized to provide insurance to the registered domestic partners of their employees. Sec. 614.10(2).

## OTHER INSURANCE BENEFITS

10. In the absence of a written designation of a beneficiary, a registered domestic partner is the first-priority beneficiary under the public employee trust fund. Sec. 40.02(8)(a)(2).
11. Registered domestic partners of employees in protective occupations who die as a result of on-the-job injuries are entitled to monthly benefit payments. Sec. 40.65(7)(am).

## WORKERS' COMPENSATION BENEFITS

12. For purposes of death benefits in the worker's compensation program, no person is considered a dependent unless the person is a spouse, registered domestic partner, unremarried former spouse, lineal descendant, brother, sister, or other family member by blood or adoption. Sec. 102.51(2).

## WRONGFUL DEATH BENEFITS

13. Any amount recovered in a wrongful death action is paid to the decedent's surviving spouse and minor children, or to the decedent's surviving registered domestic partner and minor children, and if none, to the decedent's lineal heirs or brothers and sisters. Sec. 895.04.
14. The WI Dept. of Justice may award benefits to dependents (registered domestic partners) of victims of certain crimes. Sec. 949.05(1)(c).

## TRANSFER OF HOME BENEFITS

15. Conveyances of real estate between a person and his or her registered domestic partner are exempt from the state's real estate transfer fee. Sec. 77.25(8m).
16. A transfer of a manufactured home from a decedent to a surviving registered domestic partner is not subject to the otherwise applicable title fee. Sec. 101.9208(1)(dm).

- def  
change  
to 949.01  
accomplished  
this

## JOINT TENANCY BENEFITS

- PJK* 17. A joint tenancy is presumed where the individuals named in a title or the buyers or sellers of property are registered domestic partners. Sec. 700.19(2).

## MEDICAL TREATMENT DECISION-MAKING

- RJR* 18. A spouse or registered domestic partner has first priority in making the decision to admit an incapacitated individual to a nursing facility or hospice. Secs. 50.06(3) and 50.94(3).

- CMH* 19. Registered domestic partners can receive medical records relating to the treatment of their registered domestic partner. Secs. 51.30(4)(b)(12), (20) and 51.30(4)(cm). *Patient health care records 146.81 RJR*

- RJR* 20. Registered domestic partners have the same rights and privileges as a spouse to visit or accompany a patient in any health care facility.

## BENEFITS IN THE LEGAL PROCESS

- BSM* 21. Registered domestic partners of crime victims are entitled to notification when the perpetrators are transferred to community residential confinement or to the intensive sanctions program, or when the perpetrator escapes from prison, or when an inmate is scheduled to be released after serving a prison sentence, or if an inmate is paroled. Secs. 301.046, 301.048, 301.38, 301.46, 302.105, 304.06.

- BSM* 22. Registered domestic partners of crime victims are entitled to notification when perpetrators apply for pardons. Sec. 304.09(1).

- BSM* 23. A registered domestic partner is among the members of a deceased crime victim's family whom the district attorney is required to make best efforts to notify when the defendant, after being committed to an institution following a verdict of not guilty for reasons of mental disease or defect, is conditionally released, or if the commitment is terminated or discharged. Secs. 971.17(4m) and 971.17(6m).

- BSM* 24. A registered domestic partner is among the members of a deceased crime victim's family whom the district attorney is required to make best efforts to notify when a defendant in the crime is placed on supervised release. Sec. 980.11(2).

- RPN* 25. A registered domestic partner receives the same immunity from testifying against his or her partner in civil cases as does a spouse. No citation.

*905.05*

## PROBATE BENEFITS

26. The registered domestic partner of an intestate decedent, who has no surviving children, receives the decedent's entire estate. Sec. 852.01(a)(1). *BPM*

27. The surviving spouse or registered domestic partner of an intestate decedent who has surviving children from outside the marriage to a surviving spouse, receives one-half of the decedent's individual property. Sec. 852.01(a)(2). *2*

28. A registered domestic partner is entitled to a decedent's entire marital property interest in a home that the registered domestic partner occupies or intends to occupy if the decedent did not specifically assign that interest to a third party or if the decedent was intestate. Secs. 862.21(2) and 862.21(3). *1*

29. Subject to exceptions, the registered domestic partner of a testator, who executed a will prior to the marriage or the registration of the domestic partnership, is entitled to receive a share of the testator's estate. Sec. 853.11(2).

30. A registered domestic partner is eligible to receive an allowance for support while the decedent's estate is being administered. Secs. 861.31 and 861.35(1m). *1*

31. A registered domestic partner may file with the courts a written selection of up to \$3,000 in specific personal property of the decedent not otherwise bequeathed. Sec. 861.33(1). *1*

32. A registered domestic partner may petition the court to set aside from the claims of creditors an amount of property up to \$10,000 in value, if it appears the assets of the deceased's estate are insufficient to pay all claims and still leave property to the surviving spouse or registered domestic partner.

33. Summary probate procedures are available for small estates (net assets less than \$50,000) if the decedent is survived by a registered domestic partner; property in the estate not otherwise assigned is assigned to the surviving spouse or minor child or registered domestic partner. Secs. 867.01(1) and 867.01(3)(f). *1*

34. If a decedent leaves probate assets of less than \$50,000, those assets may be transferred to an heir, trustee or guardian by affidavit. Sec. 867.03. *XXX*



## MISCELLANEOUS BENEFITS

35. Registered domestic partners of persons called into active state service (e.g., in the National Guard) have protections from eviction during the period of the spouse's or registered domestic partner's service. Sec. 21.75(11). *321-62 (11)*
- RPR*
36. Registered domestic partners who are both residents of the same nursing facility are entitled to share a room. Sec. 50.09(1)(f).
- RLR*
37. If a power of attorney for health care is executed in favor of a registered domestic partner, the power of attorney automatically becomes invalid if the registered domestic partnership is revoked. Sec. 155.40(2).
- RLR*
38. A registered domestic partner has priority over a "friend" in consenting for an autopsy to be performed on the body of the decedent. Sec. 157.05.
39. Spouses, registered domestic partners, children, parents and grandparents of a decedent have priority over the decedent's designated health care agent (such as an unregistered domestic partner) in deciding whether to make anatomical gifts. Sec. 157.06(3)(a).
- RLR*
- ✓ 40. If a Wisconsin basic power of attorney for property and finances is executed in favor of a registered domestic partner, the power of attorney automatically becomes invalid if the domestic partnership is revoked. Sec. 243.10(7).
- ARG*
- ✓ 41. Supplemental title fees for the transfer of vehicles' titles are waived when a transfer is from a decedent to a registered domestic partner. Sec. 342.14(3m).
- ARG*
- ✓ 42. Registered domestic partners may automatically receive title to vehicles owned by the decedent's registered domestic partner. Sec. 342.17(4)(b).

✓ PJK 43. Creation of Registry  
ch. 770



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1308/7

ALL: [initials]

PWF

Today

PI

DOA:.....Frederick, BB0334 - Domestic Partnership Registry

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Sec. aff ✓  
176

D-vote  
(in 1-14)

do not go out

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2

(END)

# RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: PJK) (Date: 1 / 5 / 09)



Please transfer the drafting file for

2007 LRB 3960 to the drafting file

for 2009 LRB 1308

The final version of the 2007 draft and the final Request Sheet will copied on yellow paper, and returned to the original 2007 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2007 draft was incorporated into a new 2009 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the 2009 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

**--OR--**



Please copy the drafting file for

2009 LRB [signature] (include the version) and place it in the

drafting file for 2009 LRB [signature]

For research purposes, because the original 2009 draft was incorporated into another 2009 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the new 2009 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.